

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CARPENTERS COMBINED FUNDS,)
INC.,)
Plaintiff,) Civil Action No. 13-108
v.) Judge Cathy Bissoon
FER FLOORS ENTERPRISE, INC.,)
Defendant.)

ORDER

AND NOW, this 12th day of March, 2013, upon consideration of Plaintiff's Motion for Default Judgment (Doc. 5), and all submissions related thereto (Doc. 6), this Court concludes that the requested relief is both authorized and justified, as provided below, and accordingly grants the motion in part. See, e.g., Chamberlain v. Giampapa, 210 F.3d 154, 164 (3d Cir. 2000) (setting forth the factors to be considered by a court when adjudicating a motion for default judgment); see also Anchorage Assocs. v. Virgin Is. Bd. of Tax Rev., 922 F.2d 168, 177 n.9 (3d Cir. 1990) (noting that the entry of default judgment typically is appropriate when a defendant fails to appear).

Specifically, pursuant to the provisions of the collective bargaining agreement ("Agreement"), Plaintiff has established its entitlement to default judgment for damages, costs, and fees¹ in the following amounts:

(a) Principal per ¶ 7	\$28,466.82
(b) Addition Principal per ¶ 8	\$32,595.59
(c) Interest through 1/18/2013 per ¶ 7	\$2,304.64

¹ Plaintiff initially requested both damages and injunctive relief in its complaint. See (Doc. 1 at 3-4). However, it is noteworthy that the instant motion for default judgment requests only damages. (Doc. 5). On March 6, 2013, chambers staff contacted Plaintiff's counsel, who indicated that Plaintiff no longer was seeking injunctive relief.

(d) Interest from 1/19/2013 to 2/28/2013	\$479.70
(e) Contractual/Liquidated Damages per ¶ 7	\$4,905.73
(f) Contractual/Liquidated Damages per ¶ 8 and the Agreement	<u>\$3,259.56</u>
(g) Subtotal of lines (a) through (f)	\$72,012.04
(h) Attorney fees	\$14,402.41
<u>(j) Record Costs</u>	<u>\$425.00</u>
TOTAL	\$86,839.45

IT IS HEREBY ORDERED that, pursuant to Rule 55 of the Federal Rules of Civil Procedure, Judgment by Default is entered against Defendant for failure of answer, and in favor of Plaintiff, in the amount of \$86,839.45.

BY THE COURT:

s/Cathy Bissoon
 CATHY BISSOON
 UNITED STATES DISTRICT JUDGE

cc (via CM/ECF):

All Counsel of Record